

Decision **DRAFT DECISION OF ALJ JONES** (Mailed 5/19/2003)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Into
Implementation of Senate Bill 669 and Assembly
Bill 1734, As They Affect the Deaf and Disabled
Telecommunications Equipment and Services
Program Fund.

Rulemaking 03-03-014
(Filed March 13, 2003)

**DECISION IMPLEMENTING SENATE BILL 669 AND ASSEMBLY BILL 1734
AS THEY AFFECT THE DEAF AND DISABLED
TELECOMMUNICATIONS PROGRAM**

I. Summary

This decision adopts new charters for: (1) the Telecommunications Access for the Deaf and Disabled Administrative Committee (TADDAC) which will advise the Commission on the administration of the Deaf and Disabled Telecommunications Program (DDTP); (2) the California Relay Service Advisory Committee (CRSAC) which will advise the TADDAC on issues related to the CRS; and (3) the Equipment Program Advisory Committee (EPAC) which will advise the TADDAC on issues related to the equipment program.

Also, this decision adopts a payment schedule for DDTP-related invoices. The proposed payment schedule is included as Appendix B. This schedule is consistent with the provisions of the Government Code and State Administrative Manual.

II. Background

This rulemaking concerns the Deaf and Disabled Telecommunications (DDTP), the final public program to be addressed by the Commission in its implementation of SB 669. This program is funded through utility customer bills and has been supervised by the Commission, operated by an external staff and administered by the Deaf and Disabled Telecommunications Program Administrative Committee (DDTPAC) with input from the CRSAC and EPAC.

SB 669 codifies six advisory boards to advise the Commission regarding the development, implementation and administration of the existing eight telecommunications programs,¹ assigns one or more of the programs to each board, and establishes a new fund in the State Treasury to correspond with each board. Under SB 669, the Commission must transfer the monies associated with the programs into a specified Treasury fund.

AB 1734, urgency legislation enacted on June 20, 2002, requires fund transfers for the DDTP to commence on July 1, 2003. Additionally, AB 1734 renamed the DDTPAC, the Telecommunications Access for the Deaf and Disabled Administrative Committee (TADDAC).

Resolution T-16703, approved by the Commission on December 17, 2002, adopted a transition plan for the DDTP in order to comply with SB 669 and AB 1734. Ordering Paragraph 1 of T-16703 states:

¹ The Commission has seven public programs aside from the DDTP: California High Cost Fund-A, California High Cost Fund-B, California Teleconnect Fund, Payphone Service Providers Enforcement Program, Public Policy Payphone Program, the Telecommunications Devices For the Deaf Interim Placement Program, and Universal Lifeline Telephone Services.

The Commission directs the Commission Executive Director to prepare for Commission adoption no later than January 31, 2003, an Order Instituting Rulemaking (OIR), which reflects the recommendations for the charters of the Telecommunications Access for the Deaf and Disabled Administrative Committee (TADDAC), California Relay Service Advisory Committee (CRSAC), and Equipment Program Advisory Committee (EPAC) as advisory committees of the Deaf and Disabled Telecommunications Program (DDTP) as set forth in this resolution. Further, a decision in the OIR proceeding shall be placed before the Commission for its consideration and adoption by May 1, 2003.

R.03-03-014, which was issued on March 13, 2003, included draft charters for the three DDTP committees and invited comments on the charters and other issues relating to the DDTP program. Comments were filed on April 15, 2003 and reply comments, on April 25, 2003.

III. Advisory Board Structure and Membership Issues

A. Advisory Board Structure

Public Utilities Code Section 278 (a)(1) states that commencing on July 1, 2003, the TADDAC, formerly the DDTPAC, is created as “an advisory board to advise the commission regarding the development, implementation, and administration” of the DDTP. While AB 1734 discusses the TADDAC as a replacement board for the DDTPAC, the legislation never refers to the CRSAC or the EPAC. According to the DDTPAC and the Commission’s Telecommunications Division (TD), both the CRSAC and EPAC have been instrumental in the past successes of the program including the implementation of Speech-to-Speech as part of the CRS and the inclusion of an artificial larynx on the list of equipment available to qualified Californians. Additionally, several CRSAC and EPAC members represent consumer groups and are users of the

program. As users, the committee members are able to monitor the quality of the services and equipment used. They can also recognize deficiencies and provide options for solutions. We understand the importance of the CRSAC and the EPAC and agree that the two committees are a crucial part of the structure of the DDTP. We, therefore, establish the CRSAC and EPAC as advisory committees of the DDTP program.

With regard to the chain of command structure of the committees, members of the current EPAC and CRSAC expressed concern that issues they consider important do not always make it past the DDTPAC to the Commission. TD considered recommending that the EPAC and CRSAC should be equal to the TADDAC and should make recommendations directly to the Commission. However, participants at an October 9, 2002 workshop² strongly agreed that the Commission should receive recommendations from one source, not three; thereby creating a way to prioritize consumer recommendations and eliminate duplication. We agree that having one source of recommendations facilitates the delivery and implementation of recommendations. Therefore, we maintain the current structure whereby the EPAC and CRSAC provide recommendations on the Equipment Program and the California Relay Service to the TADDAC.

B. TTY Placement Program (TPP)

In their comments filed pursuant to this rulemaking, the DDTPAC, California Coalition of Agencies Serving the Deaf and Hard of Hearing (Coalition), and Winston Ching (Ching) all assert that the TPP program should

² The Commission held a public workshop on October 9, 2002 to discuss the administrative transition of the DDTP. Workshop participants discussed issues regarding the three advisory committees of the DDTP.

be under the purview of the DDTP program, rather than the Payphone Service Providers Committee (PSPC).

According to the DDTPAC, the Public Utilities Code is contradictory regarding the oversight body for the TTY Placement Program. Section 279(a)³ assigns to the PSPC the responsibility to:

...provide for the placement of telecommunications devices capable of servicing the needs of the deaf or the hearing impaired in existing buildings and public accommodations, as specified in subdivision (a) of 2881.2.”

Section 2881.4 states that the Commission may contract with entities or individuals to provide, manage, or operate the programs described in §§ 2881, 2881.1 and 2881.2. According to the DDTPAC, that implies that both of these programs (the DDTP and the TPP) should be managed or operated jointly. The DDTPAC adds that since § 2881.4 (which resulted from AB 1734) was added after § 279 (which resulted from SB 669), one can interpret that AB 1734 amended SB 669 with respect to this issue, and that the DDTP and the TTY Placement Program are both intended to be under the advisory oversight of the TADDAC.

The Coalition states that the Commission established a new PSPC subcommittee, the TDD Placement Interim Committee (TPIC) to provide oversight and direction, but in implementing SB 669, the Commission discontinued TPIC as a separate committee and merged its membership with the PSPC. (D.02-04-059). According to the Coalition, the PSPC has not been effective in administration of the program:

³ All Section citations refer to the California Public Utilities Code, unless otherwise specified.

The Program, which was slow to be implemented, has been functionally moribund since it was taken in house in October 2001. Although the TPIC had established a goal of placing 1000 TTYs by now, only a relative handful have been placed so far. The Program lacks focus, expertise and suffers from a great lack of exposure, hardly anyone knows it exists. (Coalition at 2.)

The Coalition asserts that while the TTY Placement Program is targeted to benefit a very specific population of Californians—those who are deaf or hard of hearing and who must rely on visually-oriented telecommunications—the other programs administered by the PSPC do not focus on any well-defined segment of the state’s population so do not require the unique perspective and knowledge that would be useful in administering the TTY Placement Program. The Coalition states that moving the TTY Placement Program to the DDTP makes sense because it brings to bear the focus and knowledge to make the program effective.

We are disturbed that the TTY Placement Program has been so ineffective and see compelling reasons for placing the TTY Placement Program under the auspices of the TADDAC. We will explore the possibility of introducing legislation to change the Public Utilities Code. However, neither § 881.2 nor § 2881.4 gives the Commission authority to move the TPIC program from PSPC’s advisory oversight. Until the Public Utilities Code is changed, we are constrained by the clear language of § 279(a), which places the TTY Placement Program under the auspices of the PSPC. The Legislature could have amended that section in AB 1734, but did not choose to do so. Without a change in the law, we do not have the authority to move that responsibility to the DDTP program.

C. Advisory Committee Responsibilities

The TADDAC's role is to advise the Commission on issues relating to the DDTP program. As various parties point out in their comments, TADDAC members, who represent a variety of groups that benefit from the program, are uniquely qualified to provide input on the program. We agree that the Commission will benefit from their involvement in the program.

According to the DDTPAC, in order to participate fully in the program, the TADDAC needs to be able to review budget documents and contractor reports. While Commission staff have the responsibility to approve invoices and oversee the work of contractors, members' knowledge of the program can provide information to assist Commission staff in their decision-making. Therefore, the Charter for the TADDAC has been amended to provide that the TADDAC will receive copies of invoices and contractor reports, at the same time as they are provided to the Telecommunications Division. If the TADDAC has concerns with the invoices, or other reports they review, TADDAC shall notify the TD liaison.

The DDTPAC, Coalition, and Ching all propose that the TADDAC have the authority to obtain outside legal counsel to file comments in Federal Communications Commission (FCC) proceedings, or in the event that the committee takes issue with any action proposed by the Commission regarding the program. According to the DDTPAC, access to outside legal counsel is critical to ensuring that consumers and consumer interests will be represented in the program, especially in situations where Commission staff may not agree with the consumers' recommendations. The DDTPAC makes the comment that the Commission's legal staff cannot be expected to represent the interests of the Commission and the interests of consumers advising the Commission, if those

interests happen to differ. We disagree. Legal staff at the Commission represent both the Office of Ratepayer Advocates (ORA) and the Consumer Services Division in proceedings before the Commission, and can represent the DDTP program as well. There is no conflict because attorneys within the Legal Division have different assignments, so no attorney would be in the position of advising the Commission on a proceeding in which he or she had participated as an advocate. We encourage the TADDAC to make use of its Legal Division non-voting liaison to facilitate participation in Commission and FCC proceedings. There is no need for TADDAC to obtain outside counsel.

The Coalition and the DDTPAC urge that the DDTP committees have a role in the contracting process. In the past, the DDTPAC and its committees have been instrumental in assisting the Commission in several contract matters, particularly those related to the California Relay Service and the new DDTP services contract recently awarded to the California Communications Access Foundation. The Coalition asserts that the TADDAC and its advisory committees should continue to have involvement in most of the contract process—assisting in the development of Requests for Proposals (RFPs) or Invitation for Bids (IFBs), in evaluating bids and proposals and in negotiations. The Coalition asserts that there is no reason for the Commission to forego this invaluable assistance in the future. Section 278(a), as amended by AB 1734 states that the TADDAC's advisory role includes advice “regarding contracts and agreements relating to the [DTPP].” The Coalition urges that the new charters include this responsibility.

The DDTPAC states that the DDTP and its committees have been intimately involved in contracting processes, and has provided innovative and effective advice to the Commission in recent years. According to the DDTPAC,

the TADDAC, along with its advisory committees, should be involved in the contracting process to assist the Commission in the development of RFPs, IFBs, in evaluating proposals, and in providing direction and support to ensure that the needs of the deaf and disabled communities are met.

We agree that members of the TADDAC can provide invaluable assistance to Commission staff in the crafting of recommendations and specifications for contracts relating to the program. TADDAC is authorized to send up to two committee members as delegates to work with Commission staff on development of RFPs/IFBs. We have added that provision to their charters. However, Commission staff shall be responsible for drafting the RFPs/IFBs and will have sole authority to evaluate responses and make recommendations to the Commission.

D. Advisory Board Membership

In D.01-07-023 and D.02-01-018, we began the implementation of SB 669 by revising the voting membership of the three advisory committees for the DDTP. However, upon further review, in D.02-04-059, the Commission saw that affording non-voting status to any board member creates potential problems under Pub. Util. Code §§ 271(c), (d), and (e) which govern voting requirements, including establishment of quorum. The DDTP committees have already experienced these quorum and voting problems. We believe that the most effective way to deal with this issue is to eliminate the use of the term “non-voting members.” Instead these committee positions will be referred to as “non-voting liaisons.” The non-voting liaisons are discussed in the following section.

TD has recommended that all existing members of the committees continue their current appointments. Given the scope of changes involving the

DDTP in the coming months, this will provide an important element of continuity for the program. To provide for this continuity, current members of the DDTPAC will be “grandfathered” in as members of the TADDAC on July 1, 2003 and current members of the CRSAC and EPAC will continue their current appointments past the July 1, 2003 transition date, except as noted below.

There are currently six members on CRSAC, so we asked for comments on whether the number of members to CRSAC should be changed to an odd number. Parties did not express concerns with the number of members so we will retain six members on CRSAC.

The DDTPAC and Ching assert that there is no reason why the Executive Director should have to approve members to the three committees. According to Ching, the committees are in the best position to judge who they want to work with and the appropriateness of an appointment to the committee. However, Ching notes that the Executive Director’s office holds a key responsibility in insuring that appointees have no Conflict of Interest in serving on the Committee.

The DDTPAC recommends a process to be followed for any recommendations submitted by the committees to Commission staff to ensure that its recommendations are given serious consideration by Commission staff and to ensure that complete and justifiable reasons are provided when Commission staff determines that a recommendation is not accepted. This process would include policy recommendations, as well as recommendations regarding new committee members. The process the DDTPAC proposes involves a step involving soliciting public input, which it indicates will bring broader consumer perspectives and insight.

With regard to selection of members, we prefer the simpler process proposed by Ching. The committees themselves are in the best position to evaluate and approve potential members. The Executive Director does not need to be involved in the approval process, other than insuring that appointees have no Conflict of Interest in serving on the committee. The TADDAC shall notify the Executive Director of proposed new members to each of the committees, along with a Conflict of Interest statement so the Executive Director can determine whether a conflict exists. The new member may not be seated on the committee until the Executive Director determines that no conflict exists.

The DDTPAC recommends that flexibility be built into the charters for all three committees to add new members to represent deserving communities or constituencies, if such needs are identified in the future. The DDTPAC requests that authority be granted to each committee to add up to two new members in the future to represent communities not currently effectively represented on the committees, such as deaf-blind consumers, low vision consumers, or cognitively impaired consumers. According to the DDTPAC, the committees have received input from various constituents in the past indicating that the needs of their particular group are not effectively represented in the program. Permitting this flexibility in the charters will allow the committees to be more responsive to these requests in the future and will help ensure that the DDTP is serving the needs of all consumers who can benefit from the program.

We agree that the committees should have the flexibility to add members to represent communities not currently represented on the committees, and have added that provision to each of the charters. If the committees vote to add an additional member, the TADDAC shall send written notification to the Executive Director. Also, the TADDAC must ask the Executive Director to

determine if there is adequate program funding to support per diem and expenses for additional members. If the Executive Director determines that current funding is not adequate, the expansion of the committee membership will be deferred to the next budget cycle.

The Office of Ratepayer Advocates (ORA) proposes that ORA have a voting member on TADDAC. ORA states that it seeks voting membership in order to continue to represent the interests of all consumers, and of deaf and disabled customers in the program. ORA indicates that it has been a non-voting member of the CRSAC, which will contribute to the continuity the Commission provided on the TADDAC by grandfathering current members.

The DDTPAC opposes ORA's request, stating that ORA can better serve the committee by providing the TADDAC with advice and ratepayer perspectives as a non-voting liaison of the committee. The DDTPAC believes that the committee's voting members should consist solely of the members of the communities which the program was established to serve. ORA does not represent a community which the program serves. Rather it represents California ratepayers as a whole. As such, the only legitimate role it can play with respect to TADDAC is that of a fiscal watchdog working to ensure that ratepayer funds are not squandered. The DDTPAC believes that ORA can serve this role adequately in a liaison capacity for TADDAC.

We agree with the DDTPAC that members of the TADDAC should be limited to the various communities of interest served by the DDTP program. ORA does not represent any of those communities of interest. ORA can serve as a fiscal watchdog as a non-voting liaison, and we will add ORA to the list of non-voting liaisons, the specific person to be appointed by the ORA director.

E. Advisory Board Non-voting Liaisons

Existing charters for the DDTP committees state that the Commission Executive Director appoints a representative to each committee. Currently the three Commission representative positions are filled by three different individuals from three different divisions of the Commission. TD has asserted that having the same Commission staff liaison on all three committees should facilitate communication between the committees and Commission staff. In order to provide improved and consistent communications between the committees and the Commission, we feel that the Commission Executive Director-appointed representative on all three committees should be the same person – the lead TD staff liaison. This person will be responsible for maintaining communications between the three committees by reporting to each committee on the activities of the other two committees.

The final implementation of SB 669 and AB 1734 requires additional responsibilities of Commission staff. The revised fiduciary responsibilities of the Commission will include not only the participation of TD, but also the Information and Management Services Division (IMSD) and Legal Division (LD) so the IMSD and LD liaisons should attend and participate in TADDAC meetings. Additionally, the Public Advisor, at its option or on the Commission's direction, may designate a liaison to the TADDAC.

We are simplifying the process for selection of the non-voting liaisons, as well as committee members. The non-voting liaisons will be appointed by the organization they represent, and only those liaisons who are employees of the Commission will be appointed by the Commission's Executive Director, or the appropriate division director.

The DDTPAC, Coalition and Ching all commented on the number and composition of non-voting liaisons for the various committees. We agree with

the DDTPAC and the Coalition that the Primary Service Provider⁴ should serve on all three committees. Ching makes the comment that the utility and vendor liaison seats have evolved from a time when the utilities had active functions in the program. Ching asserts that the suggested utility and vendor liaisons would be representative of those companies who currently perform active functions for the program.

The Coalition proposes fewer members to the committees than the DDTPAC and Ching. For example, the Coalition proposes that the number should be reduced because, to some extent, the DDTP service contractor will provide the committees with vendor input. On the other hand, Ching proposes that each CRS provider serve as a non-voting liaison to the TADDAC, and the DDTPAC proposes the same for the CRSAC.

In order to ensure that those who attend as liaisons meet the needs of the various committees, we will adopt the DDTPAC's proposal for the widest possible base of non-voting liaisons. The committees themselves may determine that specific organizations do not need to attend meetings. For example, TADDAC may determine that since the CRS Network Management Services contractor is at their meetings, there is no need for individual CRS contractors to attend, CRSAC may determine that only particular CRS providers should serve as liaisons, and EPAC may determine which telecommunications carriers or equipment vendors should serve as liaisons. In this way, each committee will determine the non-voting liaisons that best meet their needs. We note that, in

⁴ The Primary Service Provider is the contractor selected to operate and manage the program.

order to require attendance at meetings, the contract with the particular entity must include the requirement to attend meetings. TD shall ensure that all future contracts will include that provision.

Each organization selected to serve as non-voting liaison on one of the committees will name its own representative, and the Executive Director shall be notified in writing as to the name of the liaison representing the organization.

The non-voting liaisons are required to attend and participate in the regularly scheduled committee meetings, as long as their contracts require attendance. We have eliminated terms for the non-voting liaisons, who will serve at the pleasure of the organization they represent.

F. Term of Appointments

In Resolution T-16703 we determined that we should maintain the current appointment limitation of two consecutive appointments for each voting member but increased the length of those appointments from three to four years, beginning with new appointments made after July 1, 2003.

In our Rulemaking, we asked for comments on how terms should be staggered given the change in appointment from three to four years. The Coalition noted in its comments that for TADDAC and CRSAC, the terms for current members are not sufficiently staggered. For the TADDAC, four members have terms expiring in July or August 2004, two of whom represent the disabled community. The Coalition proposes that the term of one of those be extended for a year. We agree. The term of one of the Disabled Community Representatives shall be extended to August 2005.

For the CRSAC, the terms of three of the six members expire in October 2003. Two of those represent the deaf community. The Coalition recommends that the terms of one of those be extended one or two years, and if it is extended

only one year, then one of the two terms of members expiring in October 2004 should be extended a year as well. We concur with the Coalition's recommendation. The term for the hard-of-hearing representative will be extended to 2005, and one of the members representing the deaf community will be extended to 2004. This will ensure that the terms of the various members of both committees are sufficiently staggered.

G. Meeting Expenses

The charters of the three DDTP committees include the following provision:

The Committee shall hold such meetings as it shall decide are necessary or appropriate in order to carry out its functions, but in no event less frequently than once per month.

A notification from the Department of Finance (DOF) requires all State advisory bodies to limit their meetings to no more than one meeting for Fiscal Year 2003-04. The Commission has not determined the extent to which the DOF will apply this policy to the committees of the DDTP. The draft budget for the DDTP program assumes that DOF will approve the continuance of DDTP committee members meeting on a monthly basis in order to provide operational and policy-based advice to the Commission. However, we put the committees on notice that if they choose to exercise the provision cited above and meet more often than once a month, they may run into problems with DOF dictates and their adopted budget for meeting expenses.

IV. Program Payment Issues

This Rulemaking initially proposed a payment process and schedule consistent with the approach the Commission took in D.01-09-064. Even though we did not receive any comments on this proposal, two events occurred subsequent to the release of the rulemaking. One, on May 22, 2003, the Commission adopted Resolution T-16472 approving California Communications Access Foundation (CCAF) as an independent contractor to operate and manage DDTP programs for the period of June 16, 2003 through June 30, 2005. Pursuant to the contract, CCAF is responsible for reviewing invoices and recommending

the reviewed invoices to the Commission for payment. Two, on April 22, 2003, the Department of Finance issued a letter to the Commission recommending that payments for funds created under Public Utilities Code Section 274 et seq. be submitted to the State Controller's Office (SCO) through the normal claim schedule process. Payments by office revolving fund (ORF) should follow Government Code (GC) § 16401, which identifies permissible ORF payments as:

- Payment of compensation earned;
- Traveling expenses;
- Traveling expense advances; and
- Where immediate payment is otherwise necessary.

In order to comply with the provisions of the GC and the State Administrative Manual (SAM), TD or its successor will issue payment letters in accordance with the payment schedule shown in Appendix B of this decision. This decision also authorizes the Commission's Executive Director to revise the payment schedule adopted here as needs may arise, provided that the revision(s) is/are consistent with the provisions of the GC and the SAM.

V. Comments on Draft Decision

The draft decision of the ALJ in this matter was mailed to the parties in accordance with Public Utilities Code Section 311(g)(1) and Rule 77.7 of the Commission's Rules of Practice and Procedure. Comments were filed on _____ and Reply Comments, on _____. We have reviewed the comments and taken them into account as appropriate, in finalizing this order.

VI. Assignment of Proceeding

Susan P. Kennedy is the Assigned Commissioner and Karen Jones is the assigned Administrative Law Judge.

Findings of Fact

1. CRSAC and EPAC members represent consumer groups and are users of the program.
2. CRSAC and EPAC members are able to monitor the quality of the services and equipment used in the DDTP program.
3. CRSAC and EPAC are established as advisory committees of the DDTP program.
4. The Commission will benefit from TADDAC's involvement in the DDTP program.
5. In order to participate fully in the program, TADDAC needs to be able to review budget documents and reports from contractors.
6. Each DDTP committee is composed of voting members and non-voting liaisons.
7. The lead TD staff liaison will serve as liaison to all three committees.
8. There is no conflict in the Commission's Legal Division representing various entities.
9. TADDAC can provide invaluable assistance to TD in the crafting of recommendations and specifications for contracts relating to the DDTP program.

Conclusions of Law

1. Public Utilities Code Section 279(a) precludes the Commission from ordering the transfer of the TTY Placement Program from the PSPC to the DDTP program.
2. The Commission's Legal Division can represent the TADDAC in proceedings before the Commission because attorneys are not in the position of advising the Commission on an issue where he or she acted as an advocate.

3. The TADDAC has the authority to appoint members to TADDAC and to CRSAC and EPAC. Those new members cannot be seated until the Commission's Executive Director reviews their Conflict of Interest statement and determines that no conflict exists.

4. The three DDTP committees are authorized to add additional members to represent deserving communities or constituencies, using the process outlined in each charter. The TADDAC must ask the Executive Director to determine if there is adequate program funding to support per diem and expenses for the additional members. If the Executive Director determines that current funding is not adequate, the expansion of the committee membership will be deferred to the next budget cycle.

5. TADDAC members should be limited to the various committees of interest served by the DDTP program.

6. Each contract with a particular entity that provides service to the DDTP program should include a requirement that the entity be represented, as appropriate, at meetings of the various DDTP committees.

7. CRSAC and EPAC should provide recommendations to the TADDAC.

O R D E R

IT IS ORDERED that:

1. The advisory board charters for the Telecommunications Access for the Deaf and Disabled Administrative Committee (TADDAC), the California Relay Service Advisory Committee, and the Equipment Program Advisory Committee, which are all appended to this decision as Appendix A, are adopted. The effective date of each of these charters shall be July 1, 2003.

2. If the committees vote to add any additional members, the TADDAC shall send written notification to the Commission's Executive Director. The TADDAC shall request that the Executive Director determine if there is adequate program funding to support per diem and expenses for additional members. If the Executive Director determines that current funding is not adequate, the expansion of the committee membership shall be deferred to the next budget cycle.

3. The Telecommunications Division shall ensure that all future contracts with entities involved in the Deaf and Disabled Telecommunications program shall include the requirement that the entity serve as a non-voting liaison, as specified in the charters adopted for the various committees.

4. The payment schedule for Deaf and Disabled Telecommunications Program-related invoices, as shown in Appendix B, is adopted.

This order is effective today.

Dated _____, at San Francisco, California.

APPENDIX A

- 1. CHARTER of the TELECOMMUNICATIONS ACCESS FOR THE DEAF AND DISABLED ADMINISTRATIVE COMMITTEE**
- 2. CHARTER of the CALIFORNIA RELAY SERVICE ADVISORY COMMITTEE**
- 3. CHARTER of the EQUIPMENT PROGRAM ADVISORY COMMITTEE**
- 4. CHARTER ATTACHMENT: DEAF AND DISABLED TELECOMMUNICATIONS PROGRAM DISCLOSURE AND CONFLICT OF INTEREST POLICY**

APPENDIX B

Payment Schedule for DDTP programs

APPENDIX A

**1. CHARTER
of the
TELECOMMUNICATIONS ACCESS FOR THE DEAF AND DISABLED
ADMINISTRATIVE COMMITTEE**

1. ARTICLE ONE: NAME

1.1 Name: The name of this committee shall be the Telecommunications Access for the Deaf and Disabled Administrative Committee (TADDAC or Committee).

2. ARTICLE TWO: PURPOSE

2.1 Purpose of the Committee: The purpose of the TADDAC is to function, pursuant to Pub. Util. Code § 2881 as an advisory board to advise the Commission in connection with the provision of telecommunications equipment and telecommunications relay services for persons with functional limitations of hearing, vision, movement, manipulation, speech, cognition, and interpretation of information.

3. ARTICLE THREE: MEMBERSHIP AND NON-VOTING LIAISONS

3.1 Members. The TADDAC shall initially be composed of seven members consisting of the following representatives: one from the hard-of-hearing community, two from the disabled community, one from the late-deafened community, two from the deaf community, and one speech-disabled person who uses Speech-to-Speech relay. Of the two members from the deaf community, one shall represent a statewide organization and one shall represent the deaf community at large. The TADDAC may, at its discretion, expand the number of voting members to include other significant disability groups that it deems to deserve membership. The total number of voting members shall not exceed nine. The Commission's Executive Director shall be notified in writing if the TADDAC votes to expand its membership. The TADDAC must ask the Executive Director to determine if there is adequate program funding to support per diem and expenses for additional members. If the Executive Director determines that current

funding is not adequate, the expansion of the committee membership will be deferred to the next budget cycle.

3.2 Non-voting Liaisons. The non-voting liaisons will be as follows:

3.2.1 Commission Staff Liaisons. The Commission's Deaf and Disabled Telecommunications Program (DDTP) liaison from the Telecommunications Division, as well as a liaison from the Information and Management Services Division and one from the Legal Division. Additionally, the Public Advisor, at its option or on the Commission's direction, may designate a liaison to the TADDAC.

3.2.2 Primary Service Provider (PSP) Liaison. The Primary Service Provider is the contractor chosen to operate and manage the DDTP program. The PSP's Executive Director shall serve as non-voting liaison to the TADDAC. Also, the PSP's Executive Director and the Accounting, Field Operations, Call Center, CRS, Equipment Distribution, Marketing and Outreach department heads, will attend TADDAC meetings to give monthly status reports concerning their activities.

3.2.3 Utility and Vendor Liaisons.

The Committee shall include liaisons from the CRS Network Management Service contractor, each of the vendors for the California Relay Service (CRS) and a liaison from a major equipment vendor to the program.

3.2.4 The Commission's Executive Director shall be notified of the name of each non-voting liaison. The non-voting liaisons are to attend meetings, as long as their contracts require attendance, but their attendance shall not be counted in determining whether a quorum is present.

3.3 Selection of Members. Potential members of the Committee shall be nominated by the organizations or constituencies they are to represent. The TADDAC shall select and approve members. Proposed new members must complete a Conflict of Interest statement for review and approval by the Commission's Executive Director prior to serving on the TADDAC.

3.4 Qualifications of Members. Members shall have professional or technical expertise sufficient to enable them to be conversant with the policy and budgetary issues that arise in connection with the administration of the programs. Consumer members should be able to demonstrate organizational or other ties to the constituency they represent and, in addition, they should not be employed by or represent the interests of any vendors or distributors who are providing or who may in the future provide equipment or services for the Deaf and Disabled Telecommunications Program, consistent with the Disclosure and Conflict of Interest Policy attached to this charter.

3.5 Term of Appointment. The current members of the DDTP Administrative Committee will be grandfathered to the TADDAC. The members will serve out their remaining terms, which are staggered. A current list of member position expiration dates is attached. If any current members are unable to serve out the remainder of their terms, a replacement will be selected to fill the vacancy. Thereafter, members will be appointed for four-year terms. At least one voting member shall be in each group of nominees annually. A member may be reappointed, but no member shall serve for more than two consecutive full terms. Partial terms of two years or less shall not be counted as full terms. After serving two consecutive full terms, a member is ineligible to serve another term, including serving as a proxy, until that individual has been off the committee for one full term. After a hiatus of at least one full term, an individual will be eligible for nomination. A member of one DDTP committee who has served two consecutive full terms on that committee may be nominated to serve on a different DDTP committee after a two year hiatus from any DDTP committee membership.

A member shall hold office until a successor has been appointed and has assumed office or until the member has been removed in accordance with Paragraph 3.6 or has resigned in accordance with Paragraph 3.7. If for any reason, a member ceases to be a designated representative of the respective class or entity upon which his or her membership is based, the member's appointment shall terminate as of the date that affiliation ceases.

3.6 Removal. Any member may be removed at any time by the Commission's Executive Director, in accordance with procedures adopted by the Executive Director. Also, two-thirds of the TADDAC members may vote to remove a member upon demonstration of reasonable cause, provided, however, that reasonable cause may not

include any policy position taken by the member as a member of the committee. Members who fail to attend three consecutive meetings without just cause or proxy may be subject to removal from the committee. The member in question has the right to hear the complaints or accusations related to the request for resignation and has the right to rebut such complaints or accusations either in writing or in person before the Committee.

3.7 Resignation. Any member who wants to resign should give thirty (30) days written notice to the then-acting chair of the Committee. The member's appointment shall terminate upon the expiration of the thirty (30) day notification period.

3.8 Vacancies. The organization or constituency whose seat is vacated shall nominate an individual to fill that vacancy, and the selection and approval of the individual to fill that vacancy shall be made by the TADDAC according to the process in Section 3.3. Expired term vacancies will be filled with full-term appointments; un-expired term vacancies will be filled for the remainder of the term.

3.9 Indemnification. Members of the TADDAC who are not Commission staff are uncompensated servants of the State of California within the meaning of Gov. Code § 810.2. Accordingly, the State will indemnify Committee members as it indemnifies its compensated employees and will provide them with representation for their acts done within the course and scope of the services they perform for the TADDAC, pursuant to Gov. Code §§ 815-825.6 and 995-996.6. The TADDAC budget may include the purchase of Errors and Omissions (E&O) and Directors and Officers (D&O) or similar insurance to indemnify Committee members for acts done within the course the scope of services performed for the TADDAC, to the extent that such activities are held not to be indemnified by the State under Gov. Code §§ 810.2, 825-825.6 and/or 995-996.6.

3.10 Expenses and Per Diem. Members of the TADDAC who are not employees of utilities, the Commission, or other governmental agencies of the State of California shall be entitled to reimbursement from the Committee Fund of reasonable expenses and/or per diem incurred in connection with their service on the Committee or subcommittees of the Committee authorized by the Commission, in accordance with Pub. Util. Code § 271(f). The per diem shall be \$300 for each day of meetings attended by the eligible members or \$200 if the meeting lasts for less than approximately two hours.

Reasonable expenses shall include transportation, lodging, meals and incidental expenses incurred in connection with service on the Committee, in conformance with Commission rules and regulations for Commission management employees, as outlined in Standard Form 262.

There shall be no per diem for preparation work. For each TADDAC member who is an employee of a governmental agency of the State of California, trade association or consumer group, payments for per diem and expense reimbursement related to the member's participation in the TADDAC shall go to the member's employer unless the member can show justification for receiving these monies directly.

Eligible Committee members must seek reimbursement of expenses and per diem through the state's Travel Expense Claim (TEC) process. Completed TECs must be submitted to the Commission's Telecommunications Division for review. The director of the Telecommunications Division will assign a designated staff member to review, and if appropriate, approve payment.

Committee members shall not be eligible to receive intervenor compensation under Pub. Util. Code §§ 1801 et seq. for their work related to the TADDAC.

4. ARTICLE FOUR: DUTIES AND RESPONSIBILITIES

4.1 Duties: The TADDAC shall have the following duties and responsibilities. While performing these duties and responsibilities, the Committee shall act in an advisory capacity to the Commission. The Commission shall have all policy and program decision-making authority.

- a) Review proposed program budgets for compliance with budget procedures, funding availability, and consistency with program policy, and develop formal recommendations to the Commission on the proposed annual budget and attendant surcharge rate changes.

- b) With the assistance of its advisory committees and task forces, investigate and evaluate policy, financial, and operational issues pertaining to the programs. Proposals submitted to the program by vendors or by the Primary Service Provider shall be submitted simultaneously to the Committee and to Commission staff.
- c) Review operational reports monthly in order to identify areas needing correction and/or improvement.
- d) Initiate recommendations to the Commission, and submit to the Commission recommendations initiated by the advisory committees for changes in the programs that have policy or budgetary implications. The Committee's recommendations will include but not be limited to recommendations for new equipment and/or services. The originator (i.e., task force, advisory committee, or administrative committee) of any recommendations is expected to justify the appropriateness, cost effectiveness, and program efficiency improvement aspects of the recommendations. Committee recommendations will be made in writing to the Commission's Executive Director who will take appropriate action for review and subsequent response on all recommendations.
- e) Review the claims submitted by vendors for consistency with the approved annual budget, and report findings to Commission staff. The Committee will review expenditure reports for accuracy and completeness, and to the extent possible from the reports, for appropriateness to the budget.
- f) Recommend to the Commission surcharge rate changes.
- g) Review the charters of and generally oversee the activities of its advisory committees.
- h) Adopt a standard equipment list for the disabled programs as recommended by the Equipment Program Advisory Committee.
- i) Notify the Executive Director of member appointments to the TADDAC and to the permanent advisory committees. Seat new

- members after Executive Director determines that there are no conflict of interest issues.
- j) Establish new member positions on the TADDAC and on the permanent advisory committees, subject to the budgetary constraints described in Section 3.1.
 - k) Develop procedures for the replacement of its members and of members of its advisory committees who are unable to serve their full terms.
 - l) Create such task forces as it believes are necessary or appropriate to carry out its functions.
 - m) File an annual report with the Commission.
 - n) Assign a maximum of two members of the TADDAC or its advisory committees to assist Commission staff in development of specifications and requirements for RFPs and IFBs relating to the program.
 - o) Perform such other duties as may from time to time be imposed on it by the Commission.
 - p) The Committee will specify those members or other designees authorized to represent the views of the Committee in public. At all times, members will clearly designate whether they represent the views of the Committee, the views of their community, utility, or state agency division, or their own individual views. The Committee does not represent the views of the Commission unless requested to do so by the Commission.

4.2 Administrative and Legal Assistance: The Executive Director shall assign three Commission staff as non-voting liaisons to the TADDAC for the purposes of providing administrative and legal assistance. These liaisons shall not be members of the Committee and shall have no vote.

- a) One liaison, from the Commission's Telecommunications Division, or its successor, who shall be appointed by the Director of that division. This non-voting liaison shall also assist the Committee in the development of each proposed fiscal year program budget and in the preparation and filing of the annual report.
- b) One liaison, from the Commission's Information and Management Services Division, or its successor, who shall be appointed by the Director of that division, shall provide the Committee with monthly reports on the financial status of the program.
- c) One liaison, from the Commission's Legal Division, or its successor, who shall be appointed by the Commission's General Counsel, shall provide the Committee with legal advice, upon request.

5. ARTICLE FIVE: MEETINGS AND RECORDS

5.1 General. The TADDAC shall act only in the course of a duly noticed meeting. The Committee shall hold such meetings as it shall decide are necessary or appropriate in order to carry out its functions, but in no event less frequently than once per month. Additionally, each February a meeting of TADDAC, the California Relay Service Advisory Committee and the Equipment Program Advisory Committee will be held for the purpose of jointly discussing DDTP goals for the coming year. The succeeding meeting, place, time, and location shall be scheduled at the preceding meeting. Notification of the date, place, and time of each meeting shall be given to each member and shall be published as required by the Bagley-Keene Open Meeting Act (Gov. Code §§ 11120 et seq.) and in the Commission's Daily Calendar at least ten (10) calendar days in advance of the meeting. Unless another location is stated in the notice, meetings shall be at the DDTP offices. Notice shall include the name, address, and telephone number of a person who can provide additional information prior to the meeting, as well as a brief general description of the business to be transacted and shall highlight important pending decisions, including those to be sent to the Commission for approval. The agenda, once published, shall not be revised ten (10) days prior to the meeting. The Committee may take action on an item of business not appearing on the published agenda, as long as the action is taken in accordance with Gov. Code § 11125.3.

5.2 Open Meetings. All meetings shall be open to the public and shall be held in accordance with the provisions of the Bagley-Keene Open Meetings Act. A copy of the Act shall be given to all existing and new members of the Committee. All meetings shall be conducted pursuant to Robert's Rules of Order, 1990 Edition and in accordance with Government Code Sections 1120*ff*.

5.3 Quorum. A majority of the members of the Committee shall constitute a quorum for the transaction of business. No action shall be taken at any meeting unless a quorum is present. Each voting member shall have one vote, and the Committee may take action by vote of a majority of the members voting at a meeting at which a quorum is present. A majority of the members present at a meeting, whether or not a quorum is present, may adjourn the meeting to another time and place. Any adjourned meeting shall be subject to the same notice requirements as a regular meeting.

5.4 Proxies. A member may be represented at any meeting by oral or written authorization by that member to the chair, naming a designated individual to represent that member at a specified, noticed meeting. Notification must be made to the chair in advance of the meeting, and must be given orally or in writing before the time of the meeting. Any proxy may be revoked at any time before the meeting begins by oral or written notice to the chair by the member who gave the proxy. By traditional Committee practice, it is expected that proxies be from the same representative group as the member.

5.5 Commission Contact. The Committee may contact the Commission through the Commission's Executive Director or his or her designee for advice on any matter or to refer any unresolved issue for settlement by the Commission's Telecommunications Division.

5.6 Public Participation. The TADDAC shall provide an opportunity for members of the public to address the Committee directly on each agenda item before or during the Committee's discussion or consideration of the item.

5.7 Records. The Primary Service Provider liaison shall ensure that written minutes are taken of TADDAC meetings. Written minutes shall: (a) identify the date, time, and

place of the meeting; (b) identify the Committee members in attendance, and (c) contain a summary. Draft minutes shall be provided to members prior to the next regular meeting in order to allow sufficient time for the members to review them for adoption at that meeting. Copies of the minutes shall be provided to the Commission or any interested party upon request.

5.8 Copies of the Committee's public documents that are subject to the Public Records Act may be requested from the Committee and the Committee shall provide them within a reasonable time.

6. ARTICLE SIX: OFFICERS

6.1 Two Officers. The TADDAC shall have two officers, a Chair and a Vice-Chair, both of whom shall be members of the Committee. The officers shall be elected by the members of the Committee to serve a term of one year, and they may be re-elected. An officer shall continue to hold office until a successor has been elected and assumes office. However, if an officer ceases to be the designated representative of a class or entity as described in Paragraph 3.3, the officer's appointment shall terminate upon the date that the officer's affiliation ceases.

6.2 Duties. The Chair shall be the executive officer and shall be responsible for the general supervision and direction of the affairs of the Committee. The Chair shall preside at all meetings of the Committee. In the absence of the Chair, the Vice-Chair shall perform the duties of that office. If the Chair and Vice-Chair are unavailable for a meeting where a quorum nevertheless exists, the Chair may appoint a temporary Chair for that meeting. The officers shall perform such other duties as from time to time may be prescribed by the Committee, with the assistance of the Telecommunications Division liaison, as needed.

7. ARTICLE SEVEN: ADVISORY COMMITTEES

7.1 General. The Committee shall have two permanent advisory committees reporting to it, the Equipment Program Advisory Committee and the California Relay Service Advisory Committee. The TADDAC shall seek Commission approval by recommendation to the Commission's Executive Director for any additional permanent committees it believes have become necessary or advisable in connection with the programs. The role of the advisory committees is limited to the responsibilities expressed herein and in their respective Charters or as expanded by the Committee with Commission approval. Both committees shall report each month to the TADDAC on their activities and any issues that these committees want to bring forward to the TADDAC for discussion and approval as necessary.

7.2 Equipment Program Advisory Committee. The purposes of the Equipment Program Advisory Committee are to recommend to the TADDAC and update, as new technology is developed, a standard equipment list for the programs, to develop procedures for evaluating new products, and to make recommendations for policy changes with respect to the quality, efficiency, and cost effectiveness of both equipment and service in the equipment distribution program. The Committee shall have the authority to meet with potential vendors in reviewing and assessing new technology and equipment designed to address the telecommunications needs of deaf and disabled individuals.

7.3 California Relay Service Advisory Committee. The purpose of the California Relay Service Advisory Committee is to make recommendations to the TADDAC with respect to the quality and efficiency of relay services, including procedures for the conduct of calls and effective means of implementing its recommendations. The Advisory Committee will also make recommendations on options for controlling expenses and increasing program efficiency. The Committee shall also have responsibility for evaluating the effectiveness of the relay service vendors by establishing service standards and performing surveys and analysis to determine actual performance. The Committee shall have the authority to make recommendations on future relay service contract requirements and specifications. Further, the Committee

shall be responsible for ascertaining compliance with Federal TRS requirements as established by the FCC.

7.4 Membership. The TADDAC will appoint persons to the advisory committees, subject to review of conflict of interest statements by the Commission's Executive Director as provided in Article III, above. The terms of the members of advisory committees shall be staggered, with one-fourth of the membership of each committee appointed each year. Members will be appointed for four-year terms. A member may be reappointed, but no member of an advisory committee shall serve for more than two consecutive full terms. After serving two consecutive full terms, a member is ineligible to serve another term, including serving as a proxy, until that individual has been off the committee for one full term. After a hiatus of at least one full term, an individual will be eligible for nomination. Vacancies for expired terms will be filled for a full, four-year term; vacancies for un-expired terms will be filled for the remainder of the un-expired term.

8. ARTICLE EIGHT: EFFECTIVE DATE AND AMENDMENTS

8.1 Effective Date. This Charter shall become effective on July 1, 2003, if approved by the Commission before that date. If not approved by the Commission by July 1, 2003, the Charter shall become effective on the date it is approved by the Commission.

8.2 Amendments. This Charter may be amended by vote of the majority of the members of the TADDAC, and approval of the proposed amendment by the Commission. No amendment shall be effective unless and until the amendment has been approved by the Commission. This Charter is subject to amendment, termination or revocation at any time by order of the Commission, after public notice and an opportunity for public participation.

9. ARTICLE NINE: LIMITATION ON POWER AND AUTHORITY

9.1 While the TADDAC shall have the power and authority to function consistent with this Charter, and in particular, to carry out the duties and responsibilities specified in Article Four of this Charter, it shall not have the authority to direct telecommunications carriers to act or refrain from acting. Such authority shall remain solely with the Commission.

9.2 The members of the TADDAC in the performance of their duties and in the actions taken by the Committee shall at all times be subject to the direction, control and approval of the Commission.

This Charter is hereby modified in response to R.03-03-014 issued March 13, 2003 and is executed on _____.

Member _____
Member _____
Member _____
Member _____
Member _____
Member _____
Member _____

Charter Attachment

**Telecommunications Access for the Deaf and Disabled
Administrative Committee**

Current Membership Term Expiration Dates

Speech-to-Speech User Community
Term Expires July 2004

Hard-of-Hearing Community
Term Expires August 2005

Disabled Community Representative
Term Expires August 2005

Statewide Deaf Organization
Term Expires August 2004

Deaf Community at Large
Term Expires August 2003

Disabled Community
Term Expires August 2004

Late-Deafened Community
Term Expires March 2003

Non-voting Liaisons

California Public Utilities Commission
Telecommunications Division Liaison

California Public Utilities Commission
Information and Management Services Division Liaison

California Public Utilities Commission
Legal Division Liaison

DDTP Primary Service Provider

CRS Network Management Services contractor

Each CRS provider

Major Equipment Vendor to DDTP

2. CHARTER
of the
CALIFORNIA RELAY SERVICE ADVISORY COMMITTEE

1. ARTICLE ONE: NAME

1.1 Name: The name of this committee shall be the California Relay Service Advisory Committee (Committee or CRSAC).

2. ARTICLE TWO: PURPOSE

2.1 Purpose of the Committee: The CRSAC, an advisory committee of the Deaf and Disabled Telecommunications Program, serves in an advisory capacity to the Telecommunications Access for the Deaf and Disabled Administrative Committee (TADDAC) in connection with the provision of relay services mandated by Section 2881 of the Public Utilities Code, for providing telecommunications access for persons with functional limitations of hearing, vision, movement, manipulation, speech, cognition, and interpretation of information.

3. ARTICLE THREE: MEMBERSHIP AND NON-VOTING LIAISONS

3.1 Members. The CRSAC shall be composed of six voting members.

3.1.1 Voting Members: Voting members shall include: one from the hard-of-hearing community, two from the deaf community, one from the late-deafened community, one from the speech-disabled community and one member of the hearing community, well versed in the use of the CRS. The CRSAC may, at its discretion, expand the number of voting members to include other significant disability groups which it deems to deserve membership. The total number of voting members shall not exceed eight. The TADDAC must ask the Executive Director to determine if there is adequate program funding to support per diem and expenses for additional CRSAC members. If the Executive Director determines that current funding is not adequate, the expansion of the committee membership will be deferred to the next budget cycle.

3.1.2 Non-voting Liaisons. The non-voting liaisons shall consist of the California Public Utilities Commission's (CPUC or Commission) Deaf and Disabled

Telecommunications Program liaison from the Telecommunications Division, one representative from each California Relay Service provider, one from a telecommunications-related vendor to the DDTP, and one from the Primary Service Provider (PSP). The Primary Service Provider is the contractor chosen to operate and manage the DDTP program.

3.1.3 The non-voting liaisons are to attend meetings as long as their contracts require attendance, but their attendance shall not be counted in determining whether a quorum is present.

3.2 Selection of Members. Potential members of the Committee shall be nominated by the organizations or constituencies they are to represent. CRSAC shall review the nominees and forward its selection to the TADDAC for approval. Proposed new members must complete a Conflict of Interest statement for review and approval by the Commission's Executive Director prior to serving on the CRSAC.

3.3 Qualifications of Members. In general, members shall have professional or technical expertise sufficient to enable them to be conversant with the responsibilities of the CRSAC. Consumer members should be able to demonstrate organizational or other ties to the constituency they are representing and, in addition, they should not be employed by or represent the interests of any vendors or distributors who are providing or who may in the future provide equipment or services for the Deaf and Disabled Telecommunications Program, consistent with the Disclosure and Conflict of Interest Policy attached to this charter.

3.4 Term of Appointment. The current members of the CRSAC will be grandfathered to the board of the new CRSAC. The members will serve out their remaining terms, which are staggered. A current list of member position expiration dates is attached. If any current members are unable to serve out the remainder of their terms, a replacement will be selected to fill the vacancy. Thereafter, members will be appointed for four-year terms. At least one voting member shall be in each group of nominees annually. A member may be reappointed, but no member shall serve for more than two consecutive full terms. Partial terms of two years or less shall not be counted as full terms. After serving two consecutive full terms, a member is ineligible to serve another term, including serving as a proxy, until that individual has been off the committee for

one full term. After a hiatus of at least one full term, an individual will be eligible for nomination. A member of one DDTP committee who has served two consecutive full terms on that committee may be nominated to serve on a different DDTP committee after a two year hiatus from any DDTP committee membership.

A member shall hold office until a successor has been appointed and has assumed office or until the member has been removed in accordance with Paragraph 3.5 or has resigned in accordance with Paragraph 3.6. If for any reason, a member ceases to be a designated representative of the respective class or entity upon which his or her membership is based, the member's appointment shall terminate as of the date that affiliation ceases.

3.5 Removal. Any member may be removed at any time by the Commission's Executive Director, in accordance with procedures adopted by the Executive Director. Also, two-thirds of the CRSAC members may vote to remove a member upon demonstration of reasonable cause, provided, however, that reasonable cause may not include any policy position taken by the member as a member of the committee. Final authority to remove a member at CRSAC's recommendation rests with the TADDAC. Members who fail to attend three consecutive meetings without just cause or proxy may be subject to removal from the committee. The member in question has the right to hear the complaints or accusations related to the request for resignation and has the right to rebut such complaints or accusations either in writing or in person before the Committee.

3.6 Resignation. Any member who wants to resign should give thirty (30) days written notice to the then-acting chair of the Committee. The member's appointment shall terminate upon the expiration of the thirty (30) day notification period.

3.7 Vacancies. The organization or constituency whose seat is vacated shall nominate an individual to fill that vacancy, and the CRSAC shall make a recommendation of the individual to fill that vacancy. Final selection shall be made by the TADDAC according to the process in Section 3.2. Expired term vacancies will be filled with full-term appointments; un-expired term vacancies will be filled for the remainder of the term.

3.8 Indemnification. Members of the CRSAC who are not Commission staff are uncompensated servants of the State of California within the meaning of Gov. Code § 810.2. Accordingly, the State will indemnify Committee members as it indemnifies its compensated employees and will provide them with representation for their acts done within the course and scope of the services they perform for the CRSAC, pursuant to Gov. Code §§ 815-825.6 and 995-996.6. The DDTP budget may include the purchase of Errors and Omissions (E&O) and Directors and Officers (D&O) or similar insurance to indemnify Committee members for acts done within the course the scope of services performed for the CRSAC, to the extent that such activities are held not to be indemnified by the State under Gov. Code §§ 810.2, 825-825.6 and/or 995-996.6.

3.9 Expenses and Per Diem. Members of the CRSAC who are not employees of utilities, the Commission, or other governmental agencies of the State of California shall be entitled to reimbursement from the Committee Fund of reasonable expenses and/or per diem incurred in connection with their service on the Committee or subcommittees of the Committee authorized by the Commission, in accordance with Pub. Util. Code § 271(f). The per diem shall be \$300 for each day of meetings attended by the eligible members or \$200 if the meeting lasts for less than approximately two hours. Reasonable expenses shall include transportation, lodging, meals and incidental expenses incurred in connection with service on the Committee, in conformance with Commission rules and regulations for Commission management employees, as outlined in Standard Form 262.

There shall be no per diem for preparation work. For each CRSAC member who is an employee of a governmental agency of the State of California, trade association or consumer group, payments for per diem and expense reimbursement related to the member's participation in the CRSAC shall go to the member's employer unless the member can show justification for receiving these monies directly.

Eligible Committee members must seek reimbursement of expenses and per diem through the state's Travel Expense Claim (TEC) process. Completed TECs must be submitted to the Commission's Telecommunications Division for review. The director of the Telecommunications Division will assign a designated staff member to review, and if appropriate, approve payment.

Committee members shall not be eligible to receive intervenor compensation under Pub. Util. Code §§ 1801 et seq. for their work related to the CRSAC.

4. ARTICLE FOUR: DUTIES AND RESPONSIBILITIES

4.1 Duties: The CRSAC shall have the following duties and responsibilities. While performing these duties and responsibilities, the Committee shall act in an advisory capacity to the TADDAC.

- a) Serve as the Advisory Body to the TADDAC, advising them on all matters pertaining to the CRS.
- b) Review all policies, programs, procedures, financial and operational issues, and actions that affect the CRS service, quality and cost, and make appropriate recommendations to the TADDAC, including recommendations on procedures for the conduct of calls, options for controlling expenses and increasing program efficiency, and effective means of implementing the recommendations.
- c) Identify the needs of all current and potential CRS users and create a public awareness of these needs in such areas as facilitation of communication, sensitivity, extent of the need, and significant benefits to CRS users.
- d) Provide Commission staff with recommendations on future relay service contract requirements and specifications.
- e) Provide representation on any specially created Task Force.
- f) Perform other functions and duties as may be directed by the TADDAC or the CPUC.

5. ARTICLE FIVE: MEETINGS AND RECORDS

5.1 General. The CRSAC shall act only in the course of a duly noticed meeting. The Committee shall hold such meetings as it shall decide are necessary or appropriate in order to carry out its functions, but in no event less frequently than once per month. Additionally, each February a meeting of TADDAC, the CRSAC and the Equipment

Program Advisory Committee will be held for the purpose of jointly discussing DDTP goals for the coming year. The succeeding meeting, place, time, and location shall be scheduled at the preceding meeting. Notification of the date, place, and time of each meeting shall be given to each member and shall be published as required by the Bagley-Keene Open Meeting Act (Gov. Code §§ 11120 et seq.) and in the Commission's Daily Calendar at least ten (10) calendar days in advance of the meeting. Unless another location is stated in the notice, meetings shall be at the DDTP offices. Notice shall include the name, address, and telephone number of a person who can provide additional information prior to the meeting, as well as a brief, general description of the business to be transacted and shall highlight important pending decisions, including those to be sent to the TADDAC as recommendations or notification. The agenda, once published, shall not be revised ten (10) days prior to the meeting. The Committee may take action on an item of business not appearing on the published agenda, as long as the action is taken in accordance with Gov. Code § 11125.3.

5.2 Open Meetings. All meetings shall be open to the public and shall be held in accordance with the provisions of the Bagley-Keene Open Meetings Act. A copy of the Act shall be given to all existing and new members of the Committee. All meetings shall be conducted pursuant to Robert's Rules of Order, 1990 Edition and in accordance with Government Code Sections 1120ff.

5.3 Quorum. A majority of the members of the Committee shall constitute a quorum for the transaction of business. No action shall be taken at any meeting unless a quorum is present. Each voting member shall have one vote, and the Committee may take action by vote of a majority of members voting at a meeting at which a quorum is present. A majority of the members present at meeting, whether or not a quorum is present, may adjourn the meeting to another time and place. Any adjourned meeting shall be subject to the same notice requirements as a regular meeting.

5.4 Proxies. A member may be represented at any meeting by oral or written authorization by that member to the chair, naming a designated individual to represent that member at a specified, noticed meeting. Notification must be made to the chair in advance of the meeting, and must be given orally or in writing before the time of the meeting. Any proxy may be revoked at any time before the meeting begins by oral or written notice to the chair by the member who gave the proxy. By traditional

Committee practice, it is expected the proxies be from the same representative group as the member.

5.5 Public Participation. The CRSAC shall provide an opportunity for members of the public to address the Committee directly on each agenda item before or during the Committee's discussion or consideration of the item.

5.6 Records. The Primary Service Provider liaison shall ensure that written minutes are taken of CRSAC meetings. Written minutes of each meeting shall: (a) identify the date, time, and place of the meeting; (b) identify the Committee members in attendance, and (c) contain a summary. Draft minutes shall be provided to members prior to the next regular meeting in order to allow sufficient time for the members to review them for adoption at that meeting. Copies of the minutes shall be provided to the Commission or any interested party upon request.

5.7 Copies. Copies of the Committee's public documents that are subject to the Public Records act may be requested from the Committee and the Committee shall provide them within a reasonable time.

6. ARTICLE SIX: OFFICERS

6.1 Two Officers. The CRSAC shall have two officers, a Chair and a Vice-Chair, both of whom shall be members of the Committee. The officers shall be elected by the members of the Committee to serve a term of one year, and they may be re-elected. An officer shall continue to hold office until a successor has been elected and assumed office. However, if an officer ceases to be the designated representative of a class or entity as described in Paragraph 3.2, the officer's appointment shall terminate upon the date that the officer's affiliation ceases.

6.2 Duties. The Chair shall be the executive officer and shall be responsible for the general supervision and direction of the affairs of the Committee. The Chair shall preside at all meetings of the Committee. In the absence of the Chair, the Vice-Chair shall perform the duties of that office. If the Chair and Vice-Chair are unavailable for a meeting where a quorum nevertheless exists, the Chair may appoint a temporary Chair for that meeting. The officers shall perform such other duties as from time to time may

be prescribed by the Committee, with the assistance of the Telecommunications Division liaison, as needed.

7. ARTICLE SEVEN: EFFECTIVE DATE AND AMENDMENTS

7.1 Effective Date. This Charter shall become effective on July 1, 2003 if approved by the Commission before that date. If not approved by the Commission by July 1, 2003, the Charter shall become effective on the date it is approved by the Commission.

7.2 Amendments. This Charter may be amended by a two-thirds vote of the members of the CRSAC and approval of the proposed amendment by the Commission. No amendment shall be effective unless and until the amendment has been approved by the Commission. This Charter is subject to amendment, termination or revocation at any time by order of the Commission, after public notice and an opportunity for public participation.

8. ARTICLE EIGHT: LIMITATION ON POWER AND AUTHORITY

8.1 While the CRSAC shall have the power and authority to function consistent with this Charter, and in particular, to carry out the duties and responsibilities specified in Article Four of this Charter, it shall not have the authority to direct telecommunications carriers to act or refrain from acting. Such authority shall remain solely with the Commission.

8.2 The members of the CRSAC in the performance of their duties and in the actions taken by the Committee shall at all times be subject to the direction, control and approval of the Commission.

This Charter is hereby modified in response to R.03-03-014 issued March 13, 2003 and is executed on _____.

Member _____
Member _____
Member _____
Member _____
Member _____
Member _____

Charter Attachment

California Relay Service Advisory Committee

Current Membership Term Expiration Dates

Speech Disabled Community
Term Expires October 2002

Hearing Community
Term Expires October 2003

Late-Deafened Community
Term Expires October 2004

Hard-of-Hearing Community
Term Expires October 2005

Deaf Community
Term Expires October 2004

Deaf Community
Term Expires October 2003

Non-Voting Liaisons

California Public Utilities Commission
Telecommunications Division Liaison

DDTP Primary Service Provider

CRS Network Management Services contractor

Each CRS service provider

Telecommunications-related vendor to the DDTP

3. CHARTER
of the
EQUIPMENT PROGRAM ADVISORY COMMITTEE

1. ARTICLE ONE: NAME

1.1 Name: The name of this committee shall be the Equipment Program Advisory Committee (Committee or EPAC).

2. ARTICLE TWO: PURPOSE

2.1 Purpose of the Committee: The EPAC, an advisory committee of the Deaf and Disabled Telecommunications Program, serves in an advisory capacity to the Telecommunications Access for the Deaf and Disabled Administrative Committee (TADDAC) in connection with equipment programs mandated by Section 2881 of the Public Utilities Code for providing telecommunications access for persons with functional limitations of hearing, vision, movement, manipulation, speech, cognition, and interpretation of information, and to recommend and update, as new technology is developed, a standard equipment list for the programs, to develop procedures for evaluating new products, and to make recommendations for policy changes with respect to the quality of both equipment distribution and service provision.

3. ARTICLE THREE: MEMBERSHIP AND NON-VOTING LIAISONS

3.1 Members. The EPAC shall be composed of five voting members.

3.1.1 Voting Members: Voting members shall include the following: one from the hard-of-hearing community, two from the disabled community, one from the deaf community, and one from the senior citizen community. The EPAC may, at its discretion, expand the number of voting members to include other significant disability groups that it deems to deserve membership. The total number of voting members shall not exceed seven. The TADDAC must ask the Executive Director to determine if there is adequate program funding to support per diem and expenses for additional EPAC members. If the Executive Director determines that current

funding is not adequate, the expansion of the committee membership will be deferred to the next budget cycle.

3.1.2 Non-voting Liaisons. The non-voting liaisons shall consist of the California Public Utilities Commission's (CPUC or Commission) Deaf and Disabled Telecommunications Program liaison from the Telecommunications Division, one representative of a California Relay Service provider, three representatives from telecommunications exchange carriers or vendors to the DDTP, and a representative from the Primary Service Provider (PSP). The Primary Service Provider is the contractor chosen to operate and manage the DDTP program.

3.1.3 The non-voting liaisons are to attend the meetings, as long as their contracts require attendance, but their attendance shall not be counted in determining whether a quorum is present.

3.2 Selection of Members. Potential members of the Committee shall be nominated by the organizations or constituencies they are to represent. EPAC shall review the nominees and forward its selection to the TADDAC for approval. Proposed new members must complete a Conflict of Interest statement for review and approval by the Commission's Executive Director prior to serving on the EPAC.

3.3 Qualifications of Members. In general, members shall have professional or technical expertise sufficient to enable them to be conversant with the responsibilities of the EPAC. Consumer members should be able to demonstrate organizational or other ties to the constituency they represent and, in addition, they should not be employed by or represent the interests of any vendors or distributors who are providing or who may in the future provide equipment or services for the Deaf and Disabled Telecommunications Program, consistent with the Disclosure and Conflict of Interest Policy attached to this charter.

3.4 Term of Appointment. The current members of the EPAC will be grandfathered to the board of the new EPAC. The members will serve out their remaining terms, which are staggered. A current list of member position expiration dates is attached. If any current members are unable to serve out the remainder of their terms, a replacement will be selected to fill the vacancy. Thereafter, members

will be appointed for four-year terms. At least one voting member shall be in each group of nominees annually. A member may be reappointed, but no member shall serve for more than two consecutive full terms. Partial terms of two years or less shall not be counted as full terms. After serving two consecutive full terms, a member is ineligible to serve another term, including serving as a proxy, until that individual has been off the committee for one full term. After a hiatus of at least one full term, an individual will be eligible for nomination. A member of one DDTP committee who has served two consecutive full terms on that committee may be nominated to serve on a different DDTP committee after a two year hiatus from any DDTP committee membership.

A member shall hold office until a successor has been appointed and has assumed office or until the member has been removed in accordance with Paragraph 3.5 or has resigned in accordance with Paragraph 3.6. If for any reason, a member ceases to be a designated representative of the respective class or entity upon which his or her membership is based, the member's appointment shall terminate as of the date that affiliation ceases.

3.5 Removal. Any member may be removed at any time by the Commission's Executive Director, in accordance with procedures adopted by the Executive Director. Also, two-thirds of the EPAC members may vote to remove a member upon demonstration of reasonable cause, provided, however, that reasonable cause may not include any policy position taken by the member as a member of the committee. Final authority to remove a member at EPAC's recommendation rests with the TADDAC. Members who fail to attend three consecutive meetings without just cause or proxy may be subject to removal from the committee. The member in question has the right to hear the complaints or accusations related to the request for resignation and has the right to rebut such complaints or accusations either in writing or in person before the Committee.

3.6 Resignation. Any member who wants to resign should give thirty (30) days written notice to the then-acting chair of the Committee. The member's appointment shall terminate upon the expiration of the thirty (30) day notification period.

3.7 Vacancies. The organization or constituency whose seat is vacated shall nominate an individual to fill that vacancy, and the EPAC shall make a recommendation of the individual to fill that vacancy. Final selection shall be made by the TADDAC according to the process in Section 3.2. Expired term vacancies will be filled with full-term appointments; un-expired term vacancies will be filled for the remainder of the term.

3.8 Indemnification. Members of the EPAC who are not Commission staff are uncompensated servants of the State of California within the meaning of Gov. Code § 810.2. Accordingly, the State will indemnify Committee members as it indemnifies its compensated employees and will provide them with representation for their acts done within the course and scope of the services they perform for the EPAC, pursuant to Gov. Code §§ 815-825.6 and 995-996.6. The DDTP budget may include the purchase of Errors and Omissions (E&O) and Directors and Officers (D&O) or similar insurance to indemnify Committee members for acts done within the course the scope of services performed for the EPAC, to the extent that such activities are held not to be indemnified by the State under Gov. Code §§ 810.2, 825-825.6 and/or 995-996.6.

3.9 Expenses and Per Diem. Members of the EPAC who are not employees of utilities, the Commission, or other governmental agencies of the State of California shall be entitled to reimbursement from the Committee Fund of reasonable expenses and/or per diem incurred in connection with their service on the Committee or subcommittees of the Committee authorized by the Commission, in accordance with Pub. Util. Code § 271(f). The per diem shall be \$300 for each day of meetings attended by the eligible members or \$200 if the meeting lasts for less than approximately two hours. Reasonable expenses shall include transportation, lodging, meals and incidental expenses incurred in connection with service on the Committee, in conformance with Commission rules and regulations. Travel expenses will be reimbursed at the same rates as provided for Commission management employees, as outlined in Standard Form 262.

There shall be no per diem for preparation work. For each EPAC member who is an employee of a governmental agency of the State of California, trade association or consumer group, payments for per diem and expense reimbursement related to the

member's participation in the EPAC shall go to the member's employer unless the member can show justification for receiving these monies directly.

Eligible Committee members must seek reimbursement of expenses and per diem through the state's Travel Expense Claim (TEC) process. Completed TECs must be submitted to the Commission's Telecommunications Division for review. The director of the Telecommunications Division will assign a designated staff member to review, and if appropriate, approve payment.

Committee members shall not be eligible to receive intervenor compensation under Pub. Util. Code §§ 1801 et seq. for their work related to the EPAC.

4. ARTICLE FOUR: DUTIES AND RESPONSIBILITIES

4.1 Duties: The EPAC shall have the following duties and responsibilities. While performing these duties and responsibilities, the Committee shall act in an advisory capacity to the TADDAC.

- a) Develop a Standard List of Telecommunication Devices for the program (hereafter referred to as the List);
- b) Upon development of the first List, transmit it to the TADDAC for approval and submission to the Commission, and thereafter, in compliance with following paragraphs C. and D., amend the List and transmit it for approval;
- c) Review and update the List, at least three times each year, taking into consideration new technology and advances in science and engineering;
- d) Establish detailed written operating procedures for new product consideration, which will include field trial, engineering evaluation, review of cost-effectiveness, and basis for recommendations for adding any new product to the List.
- e) Assess the feasibility of new program initiatives and improvements;

- f) Provide policy recommendations relating to both equipment and service quality in the equipment distribution program to the TADDAC;
- g) Other activities necessary and appropriate to accomplish the purpose and responsibilities of the EPAC.

5. ARTICLE FIVE: MEETINGS AND RECORDS

5.1 General. The EPAC shall act only in the course of a duly noticed meeting. The Committee shall hold such meetings as it shall decide are necessary or appropriate in order to carry out its functions, but in no event less frequently than once per month. Additionally, each February a meeting of TADDAC, the California Relay Service Advisory Committee and the EPAC will be held for the purpose of jointly discussing DDTP goals for the coming year. The succeeding meeting, place, time, and location shall be scheduled at the preceding meeting. Notification of the date, place, and time of each meeting shall be given to each member and shall be published as required by the Bagley-Keene Open Meeting Act (Gov. Code §§ 11120 et seq.) and in the Commission's Daily Calendar at least ten (10) calendar days in advance of the meeting. Unless another location is stated in the notice, meetings shall be at the DDTP offices. Notice shall include the name, address, and telephone number of a person who can provide additional information prior to the meeting, as well as a brief, general description of the business to be transacted and shall highlight important pending decisions, including those to be sent to the TADDAC as recommendations or notification. The agenda, once published, shall not be revised ten (10) days prior to the meeting. The Committee may take action on an item of business not appearing on the published agenda, as long as the action is taken in accordance with Gov. Code § 11125.3.

5.2 Open Meetings. All meetings shall be open to the public and shall be held in accordance with the provisions of the Bagley-Keene Open Meetings Act. A copy of the Act shall be given to all existing and new members of the Committee. All meetings shall be conducted pursuant to Robert's Rules of Order, 1990 Edition and in accordance with Government Code Sections 1120ff.

5.3 Quorum. A majority of the members of the Committee shall constitute a quorum for the transaction of business. No action shall be taken at any meeting unless a quorum is present. Each voting member shall have one vote, and the Committee may take action by vote of a majority of members voting at a meeting at which a quorum is present. A majority of the members present at meeting, whether or not a quorum is present, may adjourn the meeting to another time and place. Any adjourned meeting shall be subject to the same notice requirements as a regular meeting.

5.4 Proxies. A member may be represented at any meeting by oral or written authorization by that member to the chair, naming a designated individual to represent that member at a specified, noticed meeting. Notification must be made to the chair in advance of the meeting, and must be given orally or in writing before the time of the meeting. Any proxy may be revoked at any time before the meeting begins by oral or written notice to the chair by the member who gave the proxy. By traditional Committee practice, it is expected that proxies be from the same representative group as the member.

5.5 Public Participation. The EPAC shall provide an opportunity for members of the public to address the Committee directly on each agenda item before or during the Committee's discussion or consideration of the item.

5.6 Records. The Primary Service Provider liaison shall ensure that written minutes are taken of EPAC meetings. Written minutes of each meeting shall: (a) identify the date, time, and place of the meeting; (b) identify the Committee members in attendance, and (c) contain a summary. Draft minutes shall be provided to members prior to the next regular meeting in order to allow sufficient time for the members to review them for adoption at that meeting. Copies of the minutes shall be provided to the Commission or any interested party upon request.

5.7 Copies. Copies of the Committee's public documents that are subject to the Public Records act may be requested from the Committee and the Committee shall provide them within a reasonable time.

6. ARTICLE SIX: OFFICERS

6.1 Two Officers. The EPAC shall have two officers, a Chair and a Vice-Chair, both of whom shall be members of the Committee. The officers shall be elected by the members of the Committee to serve a term of one year, and they may be re-elected. An officer shall continue to hold office until a successor has been elected and assumed office. However, if an officer ceases to be the designated representative of a class or entity as described in Paragraph 3.3, the officer's appointment shall terminate upon the date that the officer's affiliation ceases.

6.2 Duties. The Chair shall be the executive officer and shall be responsible for the general supervision and direction of the affairs of the Committee. The Chair shall preside at all meetings of the Committee. In the absence of the Chair, the Vice-Chair shall perform the duties of that office. If the Chair and Vice-Chair are unavailable for a meeting where a quorum nevertheless exists, the Chair may appoint a temporary Chair for that meeting. The officers shall perform such other duties as from time to time may be prescribed by the Committee, with the assistance of the Telecommunications Division liaison, as needed.

7. ARTICLE SEVEN: EFFECTIVE DATE AND AMENDMENTS

7.1 Effective Date. This Charter shall become effective on July 1, 2003 if approved by the Commission before that date. If not approved by the Commission by July 1, 2003, the Charter shall become effective on the date it is approved by the Commission.

7.2 Amendments. This Charter may be amended by vote of the two-thirds of the members of the EPAC and approval of the proposed amendment by the Commission. No amendment shall be effective unless and until the amendment has been approved by the Commission. This Charter is subject to amendment, termination or revocation at any time by order of the Commission, after public notice and an opportunity for public participation.

8. ARTICLE EIGHT: LIMITATION ON POWER AND AUTHORITY

8.1 While the EPAC shall have the power and authority to function consistent with this Charter, and in particular, to carry out the duties and responsibilities specified in Article Four of this Charter, it shall not have the authority to direct telecommunications carriers to act or refrain from acting. Such authority shall remain solely with the Commission.

8.2 The members of the EPAC in the performance of their duties and in the actions taken by the Committee shall at all times be subject to the direction, control and approval of the Commission.

This Charter is hereby modified in response to R.03-03-014 issued March 13, 2003 and is executed on _____.

Member _____

Member _____

Member _____

Member _____

Member _____

Charter Attachment

Equipment Program Advisory Committee

Current Membership Term Expiration Dates

Disabled Community
Term Expires October 2003

Disabled Community
Term Expires October 2004

Senior Citizen Community
Term Expires October 2004

Deaf Community
Term Expires October 2003

Hard of Hearing Community
Term Expires October 2005

Non-Voting Liaisons

California Public Utilities Commission
Telecommunications Division Liaison

DDTP Primary Service Provider

One CRS service provider

Three representatives from telecommunications exchange carriers
or telecommunications-related vendors to DDTP

4. CHARTER ATTACHMENT¹**DEAF AND DISABLED TELECOMMUNICATIONS PROGRAM****Disclosure and Conflict of Interest Policy**
(Approved by the CPUC December 18, 1991)

The Deaf and Disabled Telecommunications Program was established by the California Public Utilities Commission (CPUC) to administer and oversee California's legislated programs that provide telecommunications services and equipment for persons with functional limitations of hearing, vision, movement, manipulation, speech, cognition, and interpretation of information. The CPUC established three committees to provide the oversight function and to recommend program and policy changes to the Commission. The three committees are the Telecommunications Access for the Deaf and Disabled Administrative Committee (TADDAC), the California Relay Service Advisory Committee (CRSAC), and the Equipment Program Advisory Committee (EPAC). The CRSAC and the EPAC are advisory committees to the TADDAC.

Each of the three committees has consumer members who represent persons with functional limitations of hearing, vision, movement, manipulation, speech, cognition, and interpretation of information statewide whom the program serves. Each consumer member is appointed to represent a particular constituency (e.g., statewide deaf organization, speech impaired). Consumer members are nominated to the TADDAC, the CRSAC or the EPAC by the constituency or organization they represent. After reviewing the qualifications of the nominees, the TADDAC selects a nominee for appointment to the committee. The Commission's Executive Director reviews and approves the nominee's Conflict of Interest statement before the nominee is seated on the appropriate committee.

Since consumer members are all appointed to represent a designated constituency, the interests and opinions of the consumer members should not be intentionally controlled or influenced by any of the companies who provide goods and services to the program on an ongoing or regular basis. Some of these companies are already represented by

¹ This Disclosure and Conflict of Interest Policy is appended to the Charters of all three DDTP committees.

positions on the three committees. In addition, the appearance of any conflict of interest caused by relationships between consumer members and vendors to the program needs to be avoided. For this reason, consumer members on the three committees and nominees for consumer member positions must disclose any relationships with vendors to the program which might tend to influence a consumer member's opinions or position.

The requirements must be met before a consumer member nominee takes a seat on the appropriate committee.

I. Disclosure

Consumer members on DDTP committees must annually report any relationships that exist (employment, consultant, or otherwise) between the consumer member and a company that provides goods or services to the program. Such relationships that exist between a consumer member's affiliated organization or employer and a company that provides goods or services to the program must also be disclosed. This disclosure shall include the reporting of any ownership of stock or other equities issued by a company that provides goods or services to the program.

Consumer members must annually report their membership in or employment by any organization or participation on any boards, committees, or other groups that represent the constituencies served by the program. Consumer members must also report the name and general business purpose of any business entity in which the consumer member is a director, officer, partner, trustee, employee, or holds any position of management.

Consumer members may not accept gifts of \$250 or more in value from any single vendor of goods or services to the program. Consumer members must also annually report any gifts, honoraria, or awards amounting to \$50 or more received either directly or through another organization from any vendor of goods or services to the program. "Honorarium" means a payment for speaking at any event, participating in a panel or seminar, or engaging in any similar activity. For the purposes of this section, free admission, food, beverages, and other similar nominal benefits provided to a committee member at an event at which he or she speaks, participates in a panel or seminar, or performs a similar service, and reimbursement or advance for actual travel and for necessary

accommodations provided directly in connection with the event are not payments and need not be reported. However, reimbursement for travel outside of California must be reported as an honorarium. A prize or award shall be disclosed as a gift unless the prize or award is received on the basis of a bona fide competition not related to the committee member's official status.

All of these reports must be renewed annually.

If, in the judgment of the TADDAC, any of the disclosed relationships would create a conflict of interest that would constitute reason to disqualify a consumer member from membership on any of the DDTP committees, the TADDAC will remove the committee member.

II. Prohibition of Relationships

During their term of service on the committee, consumer members of DDTP committees shall not be employed by or represent the interests of any vendors or potential vendors of goods or services to the program, such that the consumer member receives either individually or through another organization \$250 or more annually for any type of service performed. Business arrangements with or services provided by the consumer member or his or her affiliated organization to the program that are routine and in the ordinary course of the program's activities (e.g., providing interpreter services) are not subject to the prohibition section. Any relationship with a vendor to this program that would under normal circumstances be customary and ordinary considering the nature of the consumer member's employment and/or expertise shall also not be regarded as subject to this prohibition section, but may be subject to the Prohibition of Participation section following. Examples of such relationships might include:

- a) A consumer member who is employed by a disability services organization, such as an independent living center, provides disability awareness training to a program vendor.
- b) A consumer member who is deaf provides information or training concerning deaf culture to a program vendor.
- c) A consumer member who is a heavy relay service user provides training or orientation regarding relay service usage to a program vendor.

III. Prohibition of Participation

No committee member shall make, participate in making, or in any way attempt to use his or her position on the committee to influence the making of any committee decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the committee member or a member of his or her immediate family, or on (1) any investment, business entity or real property in which the committee member has a direct or indirect investment worth at least \$1,000, (2) any source of income aggregating \$250 or more within the preceding 12 months, (3) any business entity or other organization in which the committee member is a director, officer, partner, trustee, employee or holds any position of management, or (4) any donor of a \$250 or more gift to the committee member within the preceding 12 months.

When a committee member determines that he or she should not participate in a decision-making process because he or she has a disqualifying interest in it, the committee member must (1) immediately disclose the interest that creates the conflict, (2) withdraw from participation, (3) refrain from attempting to influence any other member, and (4) refrain from voting during any votes relating to the issue that creates the conflict. The member only needs to disclose the fact of a disqualifying interest and note its details.

(END OF APPENDIX A)

APPENDIX B**DEAF AND DISABLED TELECOMMUNICATIONS PROGRAM
PAYMENT SCHEDULE**

Event	Payment Cycle 1 (Day/Month)	Payment Cycle 2 (Day/Month)
Invoices due from vendors to CCAF	5 th of Month 1	20 th of Month 1
Invoices recommended for payment from CCAF to TD	6 th through 12 th of Month 1	21 through 26 of Month 1
Payment letters from TD to IMSD	On 19 th of Month 1	On 4 th of Month 2
Payments by ORF pursuant to GC § 16401	20 th through 26 th of Month 1	5 th through 13 th of Month 2
Invoices submitted from IMSD to SCO for payments ¹	20 th through 26 th of Month 1	5 th through 13 th of Month 2

If any date in this payment schedule falls on a weekend or holiday, that date will be advanced to the next business day but the remaining dates in the payment schedule will remain unchanged.

(END OF APPENDIX B)

¹ SCO requires 14 to 21 days to issue payment from the day that requests are received by SCO.